

1 The Honorable James L. Robart
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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EARL BEARD and ALEXIS LOPEZ, CRAIG
BAHAM, and ROBERT VAN HORN,

Plaintiffs,

v.

ECOLAB, INC.,

Defendant.

Case No. 2:17-cv-00663-JLR

STIPULATION AND ~~PROPOSED~~ ORDER RE: SETTLEMENT OF ATTORNEYS' FEES AND EFFECT OF JUDGMENT UNDER DEFENDANT'S OFFER OF JUDGMENT TO PLAINTIFFS BEARD AND LOPEZ



WHEREAS on June 20, 2017, Defendant Ecolab Inc. ("Defendant") served Defendant's Offer of Judgment Pursuant to Fed. R. Civ. P. 68 to Plaintiffs Beard and Lopez (Docket No. 23);

WHEREAS on July 18, 2017, Defendant filed Plaintiffs' Notice of Acceptance of Defendant's Offer of Judgment dated July 5, 2017 (Docket No. 24);

WHEREAS on July 25, 2017, the Court entered an order dismissing Plaintiffs Beard and Lopez's claims with prejudice pursuant to the Offer of Judgment and Notice of Acceptance (Docket No. 25);

WHEREAS the Offer of Judgment includes "an award of reasonable attorneys' fees accrued as of the date of service of this Offer of Judgment," and the parties have agreed upon the amount to be paid as "reasonable attorneys' fees" under the Offer of Judgment;

STIPULATION AND ~~PROPOSED~~ ORDER RE: SETTLEMENT OF ATTORNEYS' FEES AND EFFECT OF JUDGMENT - 1
Case No. 2:17-cv-00663-JLR

LITTLER MENDELSON, P.C.
One Union Square
600 University Street, Suite 3200
Seattle, WA 98101-3122
206.623.3300

1 **IT IS HEREBY STIPULATED AND AGREED** between the parties, through their
2 counsel of record, that "reasonable attorneys' fees" in the amount of \$12,500.00 shall be paid
3 within 30 days of this stipulation in settlement of the "reasonable attorneys' fees" portion of the
4 Offer of Judgment in full payment of work performed and costs accrued on behalf of Plaintiffs
5 Beard and Lopez.

6 **IT IS FURTHER STIPULATED AND AGREED** that within ten (10) days of the
7 parties' filing of this Stipulation, Plaintiffs Beard and Lopez will withdraw their consents to sue
8 in *Charlot et al. v. Ecolab, Inc.* 2:12-cv-04543-KAM-VMS (E.D.N.Y.). In addition, Plaintiff
9 Beard will withdraw his charge with the Washington State Department of Labor & Industries
10 (Complaint No. 82616) upon receipt of payment.

11 **IT IS SO STIPULATED.**

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**STIPULATION AND [PROPOSED] ORDER RE: SETTLEMENT
OF ATTORNEYS' FEES AND EFFECT OF JUDGMENT - 2**
Case No. 2:17-cv-00663-JLR

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1 Dated: August 30, 2017

/s/ Michael J.D. Sweeney

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/s/ Michael C. Subit

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11 ATTORNEYS FOR PLAINTIFFS

14 Dated: August 30, 2017

s/ Shirley Lerner

Shirley Lerner (#0151245), *Pro Hac Vice*
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s/ Breanne Sheetz Martell

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25 ATTORNEYS FOR DEFENDANT

26
STIPULATION AND ~~PROPOSED~~ ORDER RE: SETTLEMENT
OF ATTORNEYS' FEES AND EFFECT OF JUDGMENT - 3
Case No. 2:17-cv-00663-JLR

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ORDER

The Court, having considered the parties' Stipulation re: Settlement of Attorneys' Fees and Effect of Judgment under Defendant's Offer of Judgment to Plaintiffs Beard and Lopez ("Stipulation"), hereby orders as follows:

IT IS HEREBY ORDERED that "reasonable attorneys' fees" in the amount of \$12,500.00 shall be paid in settlement of the "reasonable attorneys' fees" portion of the Offer of Judgment in full payment of work performed and costs accrued on behalf of Plaintiffs Beard and Lopez.

IT IS FURTHER ORDERED that Plaintiffs Beard and Lopez will withdraw any consents to sue and administrative charges as detailed in the parties' Stipulation.

DATED: 30 August 2017

The Honorable James L. Robart
U.S. District Judge

**STIPULATION AND [PROPOSED] ORDER RE: SETTLEMENT
OF ATTORNEYS' FEES AND EFFECT OF JUDGMENT - 4**
Case No. 2:17-cv-00663-JLR

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CERTIFICATE OF SERVICE

I am a resident of the State of Washington, over the age of eighteen years, and not a party to the within action. My business address is One Union Square, 600 University Street, Ste. 3200, Seattle, WA 98101. On August 30, 2017, I

ELECTRONICALLY FILED the foregoing document(s) with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

<p>Michael C. Subit, WSBA #29189 msubit@frankfreed.com FRANK FREED SUBIT & THOMAS Hoge Building 705 Second Avenue, Suite 1200 Seattle, WA 98104-1729 Phone: 206-682-6711</p>	<p>Michael J.D. Sweeney <i>Pro Hac Vice</i> msweeney@getmansweeney.com Artemio Guerra <i>Pro Hac Vice</i> aguerra@getmansweeney.com GETMAN SWEENEY & DUNN PLLC 260 Fair Street Kingston, New York 12401 Phone: 845-255-9370 Fax: 845-255-8749</p>
<p><i>Attorneys for Plaintiffs</i></p>	<p><i>Attorneys for Plaintiffs</i></p>

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on August 30, 2017, at Seattle, Washington.

s/ Sally Swearerger
Sally Swearerger
sswearerger@littler.com
LITTLER MENDELSON, P.C.

Firmwide: 149629052.5 057118.1195

**STIPULATION AND [PROPOSED] ORDER RE: SETTLEMENT
OF ATTORNEYS' FEES AND EFFECT OF JUDGMENT - 5**
Case No. 2:17-cv-00663-JLR

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